

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
THURSDAY, APRIL 4, 2019 7:00 P.M.  
City Council Chambers  
Hurley Building – 205 Saltonstall St., Canandaigua NY  
City Website: canandaiguanewyork.gov

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 1 Nick Cutri  
Councilmember Ward 2 Robert Palumbo  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Renée Sutton  
Councilmember-at-Large Robert O'Brien  
Councilmember-at-Large Stephen Uebbing  
Councilmember-at-Large David Whitcomb  
Mayor Ellen Polimeni

**Absent:** Councilmember-at-Large James Terwilliger (Absent for work and family)

**Also Present:** City Manager, John Goodwin  
City Clerk-Treasurer Nancy C. Abdallah  
Corporation Counsel Terence Robinson, Boylan Code  
Assistant City Manager Rob Richardson

**Public Hearing: CDBG Project Status – Nolan's on the Lake**

Mayor Polimeni opened the public hearing at 7:00 PM.

City Manager John D. Goodwin made the following report on the project:

*The Office of Community Renewal (OCR) approved a \$416,000 grant to the City of Canandaigua on November 15, 2017. The OCR requires a second hearing be held prior to the close out of the project. The purpose of the hearing is to provide the citizens with the status and results of the project and to answer any questions regarding the project.*

*Proceeds of the grant were to be used to assist Nolan's on the Lake, to rebuild their family restaurant that was devastated by fire in July 2017. Nolan's used the \$400,000 award for Furniture, Fixtures & Equipment, Machinery & Equipment, Inventory, Soft Costs and Working Capital. The total projected cost of completing the project, including bank financing and owner's equity was \$1.672 million. Construction of the new restaurant is complete and the facility became fully operational in the fall of 2018.*

*Original projected employment generated from this project were 20 full time positions with 14 available to low to moderate income people and 52 part time positions with 50 available to low to moderate income people. As of March 7, 2019, 19 full time positions have been created, along with 103 part time positions. Nolan's on the Lake has exceeded projected employment expectations. The full-time equivalent (FTE) positions created totals 61. Nolan's on the Lake continues to seek qualified employees.*

No comments at the public hearing.

Mayor Polimeni closed the public hearing at 7:03PM.

Mayor Polimeni asked for a moment of silence for Russ Kimball, a former Council Member who passed away.

**Review of Community Core Values:** Councilmember-at-Large Whitcomb read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

**Approval of Minutes:**

February 7, 2019 and March 7, 2019

Moved: Councilmember Ward 4 Sutton

Seconded: Councilmember Ward 3 White

*Vote Result: Carried unanimously by voice vote (8-0)*

**Recognition of Guests:**

- Council Member Ward 1 Cutri read Resolution 2019-025 recognizing and thanking Parks Supervisor Richard “Dick” Gates for his 38 years of service. Dick was in attendance at the meeting to be recognized and thanked by City Council.

**Committee Reports:**

***Planning/Development Committee:*** April 2, 2019 (Appendix A)

- DRI Project
- Grant for Restaurant Downtown
- Property at 1 Cribb St.
- Strategic Plan Review

***Environmental/Parks Committee:*** March 12, 2019 (Appendix B)

- Pet Blessing Box
- Storm Water Management Program (MS4)
- Humane Society Concerns

***Ordinance/PUD Committee:*** March 19, 2019 (Appendix C)

- Ordinance Reducing Single-Use Plastics
- Local Development Corporation

***Finance/Budget Committee:*** March 27, 2019 (Appendix D)

- Insurance Claim Denial Complaint – 97 Clark Street
- Sidewalk Snow and Ice Removal
- Performance Contract – Lighting at Water Treatment Plant
- LiveSCAN Fingerprinting System
- 2018 Year End Financials
- Water and Sanitary Material Bids

***Watershed Council Meeting: April 3, 2019***

- Next month report on testing
- CFA projects

**Resolutions:**

**Resolution #2019-025**

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION RECOGNIZING AND THANKING PARKS SUPERVISOR  
RICHARD “DICK” GATES  
FOR HIS 38 YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

**WHEREAS**, Richard “Dick” Gates has served the City of Canandaigua since March 19, 1981 as the Parks Supervisor at the Department of Public Works and celebrated his retirement on March 31, 2019; and

**WHEREAS**, during his 38+ years Dick has ensured that the natural beauty of our parks was displayed and the resources of the City were constantly protected by the effective operation of his parks department; and

**WHEREAS**, during his tenure Dick has happily greeted and helped anyone who visited our parks as well as the Hurley Building; and

**WHEREAS**, Dick has served under seven City Managers, four Mayors, and twenty City Councils; and

**WHEREAS**, during his distinguished career Dick has performed his duties with dedication and professionalism, and has won the respect and admiration of the community, his peers and coworkers;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize and thank Richard “Dick” Gates for his 38+ years of dedicated service to the City of Canandaigua and wishes him many happy years of retirement.

*Vote Result: Carried unanimously by voice vote (8-0)*

**Resolution #2019-026**

Moved: Councilmember Ward 4 Sutton

Seconded: Councilmember Ward 3 White

**A RESOLUTION APPROVING CODA’S CANINE BLESSINGS BOX AT  
CANANDAIGUA CANINE CAMPUS**

**WHEREAS**, Kaelyn Smith, a local Girl Scout from Troop 40315, is in the early stages of earning her Girl Scout Gold Award- the most prestigious and difficult to earn honor for Girl Scouts; and

**WHEREAS**, the recognition requires the young woman to identify an issue she cares about in the community and develop a plan to solve and implement a solution, as well as educate and inspire other Girl Scouts and members of the community about the chosen cause; and

**WHEREAS**, Kaelyn approached the City about establishing a Pet Blessing Box at Canandaigua Canine Campus; and

**WHEREAS**, similar to a Noah's Blessing Box, it would allow people to donate items, such as toys, leashes, and food to those who need it in the community; and

**WHEREAS**, part of the project requires Kaelyn to develop a plan to keep the box sustainable to ensure the box is maintained long after she goes to college, and this plan must be in place in order to receive the Gold Award; and

**WHEREAS**, City Council must approve the installation of Coda's Canine Blessing Box as Canandaigua Canine Campus is a City park; and

**WHEREAS**, this proposal was reviewed and approved at the March 12<sup>th</sup> Environmental/Parks Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, City Council hereby approves the installation of Coda's Canine Blessings Box at Canandaigua Canine Campus.

*Vote Result: Carried unanimously by voice vote (8-0)*

### **Resolution #2019-27**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Sutton

## **A RESOLUTION APPROVING AND ADOPTING THE CITY OF CANANDAIGUA'S STORM WATER MANAGEMENT PLAN**

**WHEREAS**, The National Pollutant Discharge Elimination System (NPDES) MS4 permit, which the City operates under, requires permittees to develop and implement a comprehensive Storm Water Management Program (SWMP); and

**WHEREAS**, the SWMP must include pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate measures to control the quality of storm water discharged to the storm drains and thence to waters of the United States; and

**WHEREAS**, the City has completed its SWMP plan and its ready to be adopted, however it must first be approved by City Council; and

**WHEREAS**, this plan was reviewed and approved at the March 12<sup>th</sup> Environmental/Parks Committee Meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby approves and adopts the City of Canandaigua's Storm Water Management Plan substantially the same form as attached hereto.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

**Resolution #2019-028**

Moved: Councilmember-at-Large Uebbing

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION AUTHORIZING THE CREATION OF  
CANANDAIGUA LOCAL DEVELOPMENT CORPORATION, INC.**

**WHEREAS**, City Council has identified an opportunity to enhance the economic development of the Greater Canandaigua community by partnering with the Town of Canandaigua and the Canandaigua Chamber of Commerce to form a Local Development Corporation under New York State Not-for-Profit Law § 1411; and

**WHEREAS**, the purposes of such Local Development Corporation would be attracting new and retaining existing business, relieving and reducing unemployment, promoting and enhancing employment opportunities, instructing or training individuals to improve or develop skills, conducting scientific research to attract or retain business, and lessening the burdens of government and acting in the public interest in the Greater Canandaigua area; and

**WHEREAS**, in furtherance of the purposes stated above the Local Development Corporation shall have the authority to engage in any of the following activities:

1. To construct, acquire, rehabilitate and improve for use by others retail, industrial, commercial, recreation and manufacturing plants and facilities in the territory in which its operations are principally to be conducted, to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants and facilities for others in such territory; to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto;
2. To acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interest therein;
3. To borrow money and to issue negotiable bonds, notes and other obligations therefore;
4. To sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine;
5. In connection with loans from New York State and United States government agencies, to enter into covenants and agreements and to comply with all the terms, conditions and provisions thereof, and otherwise to carry out its corporate purposes and to foster and encourage the location or expansion of retail, industrial, commercial, recreational or manufacturing facilities in the territory in which the operations of such corporation are principally to be conducted, and

6. To do all and everything suitable for the accomplishment of any of the foregoing purposes; including but not limited to retail loans and assistance to retail businesses.

**WHEREAS**, City Council has reviewed the proposed Certificate of Incorporation and proposed Bylaws for the Local Development Corporation; and

**WHEREAS**, City Council has determined that the creation of the proposed Local Development Corporation will be in the best interests of the City of Canandaigua and its residents;

**NOW THEREFORE BE IT RESOLVED**, that City Council of the City of Canandaigua hereby authorizes the creation of Canandaigua Local Development Corporation, Inc.; and

**BE IT FURTHER RESOLVED**, that City Council hereby authorizes and directs the filing of the proposed Certificate of Incorporation with the New York State Secretary of State; and

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes, directs, and approves the adoption of the proposed Bylaws; and

**BE IT FURTHER RESOLVED**, that the Corporation Counsel is hereby directed to work with the Town of Canandaigua attorney to take such steps as are necessary to incorporate the Local Development Corporation; and

**BE IT FURTHER RESOLVED**, that City Council is hereby directed to forward copies of this Resolution to the Town Board of the City of Canandaigua, the Board of Directors of the Canandaigua Chamber of Commerce, and the Board of Directors of Canandaigua LDC, Inc., once established.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Resolution #2019-029**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Uebbing

### **A RESOLUTION AUTHORIZING A PERFORMANCE CONTRACT WITH SMARTWATT FOR THE LIGHTING AT THE WATER TREATMENT PLANT AMENDED**

**WHEREAS**, the City has been working with SmartWatt on a project to purchase and convert the streetlights throughout the City to LED, which includes certain energy efficiency upgrades (HVAC and lighting) at various City facilities (Police Station, Fire Station 1, City Hall); and

**WHEREAS**, as part of its work, SmartWatt reviewed and recommended certain upgrades at the Water Treatment Plant including HVAC and lighting, but these projects could not be included in the performance contract that included the street lights and other City facilities as they would cross funds (General Fund and Water Fund); and

**WHEREAS**, in order for to have a performance contract for work at the Water Treatment Plant projects must provide enough savings to support the capital costs over a twenty-year period without any support from the General Fund projects; and

**WHEREAS**, SmartWatt has reviewed the Water Treatment Plant projects and determined that there are sufficient savings to complete a performance contract for the lighting (converting lights to LED), but the HVAC upgrades, which are needed regardless due to the age of the current systems and recent failures, did not meet the guidelines for a performance contract; and

**WHEREAS**, as SmartWatt will be upgrading the lighting in other City facilities which offers efficiencies and lowers the administrative burden and the lighting project at the meets the requirements of a performance contract, Staff recommends authorizing a performance contract with SmartWatt for the lighting at the Water Treatment Plant; and

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the City Manager to enter into a performance contract with SmartWatt for upgraded lighting at the Water Treatment Plant for a total not to exceed \$60,500.

Councilmember-at-Large O'Brien moved to amend the amount from \$60,000 to \$60,500. Councilmember Ward 4 Sutton seconded the motion.

*Vote Result: Carried unanimously by voice vote (8-0)*

*The AMENDED motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Resolution #2019-030**

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 2 Palumbo

## **A RESOLUTION AUTHORIZING THE PURCHASE OF A FINGERPRINT SCANNER**

**WHEREAS**, New York State requires police agencies to utilize the LiveSCAN System to process arrested subjects and input the information in the State database system (SJS); and

**WHEREAS**, in 2016, the City purchased an upgraded LiveScan system as required by SJS; and

**WHEREAS**, in November 2018, Staff was informed the LiveScan fingerprint system would no longer be supported and would need to be replaced by January 2020; and

**WHEREAS**, the estimated total cost is \$29,800, but after pushback from municipalities over needing to discard a brand-new system, Idemia (company that recently purchased LiveScan) agreed to offer discount to municipalities that acted early; and

**WHEREAS**, if purchased by August 30, 2019, Idemia will reduce the price by \$3,500 and offer a \$8,000 buy back credit on the current system the department has now reducing the first-year costs by \$11,500 for a total of \$18,300; and

**WHEREAS**, considering the replacement system has been mandated, Staff recommends moving forward with the purchase prior to August to maximize the savings for the City and requests a Capital Budget amendment of \$18,300 to cover the project; and

**WHEREAS**, annual cost of \$2,500 for years two and beyond are already included in the operational budget;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the purchase of the mandated Idemia Fingerprint Scanning System for a first-year cost not to exceed \$18,300 to maximize the savings for the City; and

**BE IT FURTHER RESOLVED**, that City Council authorizes a Capital Budget amendment of \$18,300 to cover the cost of the project.

*The AMENDED motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

### **Resolution #2019-031**

Moved: Councilmember-at-Large Uebbing

Seconded: Council Member Ward 1 Cutri

### **A RESOLUTION CREATING LIENS UPON CERTAIN CITY PROPERTIES FOR WATER AND SEWER FEES, SOLID WASTE COLLECTION FEES AND CODE ENFORCEMENT AND FIRE INSPECTION ARREARS**

**WHEREAS**, Chapter 14.18 of the City of Canandaigua Charter and Section 452.4 of the General Municipal Law authorizes the creation of property tax liens for delinquent water and sewer charges; and

**WHEREAS**, Chapter 292-4 B and Chapter 748-84 of the City of Canandaigua Municipal Code authorize the creation of tax liens for delinquent charges for services performed by the City of Canandaigua Code Enforcement Department and unpaid inspection fees; and

**WHEREAS**, Chapter 600-12 F of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent snow removal fees for work performed by the City of Canandaigua Department of Public Works; and

**WHEREAS**, Chapter 714-31 B of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent fire inspection fees for inspections performed by the City of Canandaigua Fire Department; and

**WHEREAS**, Chapter 585-12 F(3) of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent solid waste collection fees; and

**WHEREAS**, at this date several such outstanding invoices in arrears exist on the City records which are detailed in the attached statement; and

**WHEREAS**, the property owners on the attached list have been notified of the delinquent charges by the City of Canandaigua Clerk/Treasurer's Office;



**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Canandaigua that there are hereby created liens on the properties listed on the attached statement; and

**BE IT FURTHER RESOLVED**, that said liens shall be added to the City's tax roll and enforced in the same manner as other City taxes.

*The AMENDED motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Resolution #2019-032**

Moved: Council Member Ward 2 Palumbo

Seconded: Councilmember-at-Large Uebbing

#### **A RESOLUTION AUTHORIZING THE PURCHASE OF SANITARY PIPE MATERIALS**

**WHEREAS**, on Friday, March 15<sup>th</sup> the Department of Public works sent out a Request for Quotes (RFQ) that included a variety of parts and sanitary pipe materials related to sewer maintenance; and

**WHEREAS**, of the 4 responding vendors for the scope of materials, 3 returned quotes for the sanitary materials in the RFQ; and

**WHEREAS**, the lowest responsible quote that met the product specifications was submitted by T. Mina Supply, Inc. located at 609 Buffalo Road in Rochester, NY for an amount not to exceed \$2,164.04; and

**WHEREAS**, these items were budgeted for in the 2019 Adopted Budget, and Staff recommends accepting the bid from T. Mina Supply, Inc. to purchase the requested sanitary pipe materials; and

**WHEREAS**, this recommendation was reviewed and approved at the March 27<sup>th</sup> Finance/Budget Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the purchase of the sanitary pipe materials listed in the Request for Quotes from T. Mina Supply Inc., located at 609 Buffalo Road in Rochester, NY for an amount not to exceed \$2,164.04.

*The AMENDED motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Resolution #2019-033**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 3 White

#### **A RESOLUTION AUTHORIZING THE PURCHASE OF**

## **HYDRANT AND VALVE MATERIALS**

**WHEREAS**, on Friday, March 15<sup>th</sup> the Department of Public works sent out a Request for Quotes (RFQ) that included a variety of parts and sanitary materials related to sewer maintenance; and

**WHEREAS**, of the 4 responding vendors for the scope of materials, 3 returned quotes for the hydrant and valve materials in the RFQ; and

**WHEREAS**, the lowest responsible quote for a portion of the hydrant and valve materials in the RFQ was submitted by East Jordan Iron Works (EJ USA, Inc.) located at 301 Spring Street in East Jordan, Michigan for an amount not to exceed \$19,312.96; and

**WHEREAS**, these items were budgeted for in the 2019 Adopted Budget, and Staff recommends accepting the partial quote from EJ USA, Inc. to purchase the requested hydrant and valve materials; and

**WHEREAS**, this recommendation was reviewed and approved at the March 27<sup>th</sup> Finance/Budget Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the purchase of a portion of the hydrant and valve materials listed in the Request for Quotes from East Jordan Iron Works (EJ USA, Inc.) located at 301 Spring Street in East Jordan, Michigan for an amount not to exceed \$19,312.96.

*The AMENDED motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Resolution #2019-034**

Moved: Councilmember-at-Large Whitcomb

Seconded: Council Member Ward 1 Cutri

## **A RESOLUTION AUTHORIZING THE PURCHASE OF MISCELLANEOUS HYDRANT AND VALVE MATERIALS**

**WHEREAS**, on Friday, March 15<sup>th</sup> the Department of Public works sent out a Request for Quotes (RFQ) that included a variety of parts and sanitary materials related to sewer maintenance; and

**WHEREAS**, of the 4 responding vendors for the scope of materials, 3 returned quotes for the hydrant and valve materials in the RFQ; and

**WHEREAS**, at its April 4<sup>th</sup> meeting, City Council passed Resolution #2019-033 authorizing the purchase of a portion of these materials from East Jordan Iron Works, but that quote did not include all the hydrant and valve materials in then RFQ; and

**WHEREAS**, the lowest responsible quote for the remaining portion of the hydrant and valve materials was submitted by Blair Supply Company, located at 785 Beahan Road in Rochester, NY for an amount not to exceed \$22,933.52; and

**WHEREAS**, these items were budgeted for in the 2019 Adopted Budget, and Staff recommends accepting the quote for the remaining hydrant and valve materials in the RFQ from Blair Supply Company; and

**WHEREAS**, this recommendation was reviewed and approved at the March 27<sup>th</sup> Finance/Budget Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby authorizes the purchase of the hydrant and valve materials listed in the Request for Quotes from Blair Supply Company, located at 785 Beahan Road in Rochester, NY for an amount not to exceed \$22,933.52.

*The AMENDED motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Resolution #2019-035**

Moved: Council Member Ward 2 Palumbo

Seconded: Councilmember-at-Large Uebbing

## **A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON A PROPOSED APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL**

**WHEREAS**, the City of Canandaigua is contemplating the submission of an application for a Small Business Economic Development Grant through the New York State Office of Community Renewal ("OCR") to assist in the establishment of a restaurant at 170 South Main Street in Canandaigua, New York; and

**WHEREAS**, the submission of such an application requires that a public hearing be held to obtain citizen comments regarding community and economic development needs in the City and regarding any specific project proposals;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing regarding the community and economic development needs of the City and the proposed CDBG application to the OCR shall be held in the City Council Chambers, the Hurley Building, 205 Saltonstall Street, Canandaigua, New York during the meeting held at 7:00 p.m. on May 2, 2019; and

**BE IT FURTHER RESOLVED** that the City Clerk shall cause notice to be given and published as required by law.

*Vote Result: Carried unanimously by voice vote (8-0)*

### **Resolution #2019-036**

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION APPROVING RIGHT OF WAY AND LOT LINE ADJUSTMENTS  
AT 1 CRIBB STREET**

**WHEREAS**, the City of Canandaigua is the owner of real property located at 1 Cribb Street bearing Tax Map No. 70.68-2-2 (the “Property”), which the City acquired through tax foreclosure; and

**WHEREAS**, the land is not developable, and despite several attempts by the City to sell the property, adjacent landowners are not interested in acquiring the parcel; and

**WHEREAS**, the City now desires to merge the property at 1 Cribb Street with the existing right-of-way at the corners of Cribb Street and North Main Street;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council, as recommended by the City Manager, hereby: (1) consents and agrees with the proposed merger of the property at 1 Cribb Street with the right-of-way at the corner of Cribb Street and North Main Street, (2) retains the proposed right-of-way and utility easement, (3) authorizes Corporation Counsel to apply for the proposed lot line adjustment, and (4) finds that extending the right-of-way serves a public purpose.

*The AMENDED motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O’Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

**Ordinances:** None

**Local Laws:** None

**Manager's Report:** City Manager John D. Goodwin reported the following:

- BID Report: (Denise Chaapel, BID Manager was unable to attend) – Merchants Association held their annual meeting last night and brought on six new board members. Also reviewed upcoming events and new businesses in the BID.
- There will be an opportunity to participate in the public engagement for the DRI application this Saturday evening at the Wine Walk and at the Farmers Market Saturday morning at its winter location at Antis Street parking lot.
- Bi-weekly yard waste collection will resume next week.
- Arbor Day is April 26<sup>th</sup> and the City will celebration by planting a tree at the Telyea Tot Lot.

**Appointments:** None

**Miscellaneous:**

- Mayor Polimeni passed out a schedule of events held by the Ontario County Arts Council, in conjunction with the Ontario County Historical Society.
- Summer recreation booklets are out or you can go online to look and register for programs.
- Waiting for RG&E install electric at the Dog Park
- Pickleball courts proposal out for bid and waiting responses.
- West Ave. Cemetery safety concerns will be addressed with increased monitoring when weather warms up. Mayor Polimeni will have a committee to look at upgrading West Avenue Cemetery.

- Councilmember-at-Large Uebbing paused to make a tribute to Gail O'Brien who recently passed away. She served as CEO of the Chamber of Commerce and had many accomplishments in making the Chamber a vital resource in our community.
- Councilmember Ward 4 Sutton promoted the Civic Center fundraiser Growlers, Grapes and Greens event to be held on May 4<sup>th</sup>.
- Main St. in need of paving but the subbase is failing which is responsibility of NYS. We are trying to figure out ways of addressing this.
- Tom's Mobil progressing at a good pace. Evidence that there is a tank still in right of way from the 1920's. After we demo the building then the state can finish the abatement of the property.
- Finger Lakes Resort – closed on funding and work will resume on this project.

### **Adjournment**

Councilmember Ward 4 Sutton moved to adjourn the regular session at 8:38 PM. Council Member Ward 2 Palumbo the motion.

*Vote Result: Carried unanimously by voice vote (8-0).*

Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua

**APPENDIX A**  
**PLANNING/DEVELOPMENT COMMITTEE**  
**Tuesday, April 2, 2019**  
**7:00 p.m.**  
**Council Chambers- The Hurley Building**

**Committee:** Robert O'Brien, Chair, Bob Palumbo, Steve Uebbing, Renée Sutton

**Other Councilmembers:** Mayor Polimeni, Nick Cutri, Karen White, Jim Terwilliger

**Staff:** John D. Goodwin, Rob Richardson, Terence Robinson

**Other Councilmembers:** Mayor Polimeni, Nick Cutri, Karen White, Dave Whitcomb

**Staff:** John D. Goodwin, Rob Richardson, Terence Robinson **(7:03 p.m.)**

**1. DRI RFP Discussion**

For the last three years, the City of Canandaigua has submitted applications for the Downtown Revitalization initiative (DRI) in an effort to secure \$10,000,000 from New York State to fund various projects Downtown. Despite being a finalist each of those years, the City's application was not selected and the funding was awarded to other municipalities. The City, in conjunction with MRB Group, is interested in hearing input on projects and initiatives that City residents would like included in this year's DRI application.

**Matt Horn from MRB led an interactive exercise to obtain public input from those in attendance.**

**2. Grant for Restaurant Downtown**

Mr. Patrick Gleason requested that the City assist him in applying for a small business economic development grant through the New York Office of Community Renewal to purchase and renovate the former Pickering Pub into a new establishment. In order to do so, the grant would need to go through the City similar to the CDBG Grant process that was completed for Nolan's. City Council needs to determine whether or not they want to apply for the grant, and it should be noted that, like the Nolan's grant, Mr. Gleason would be responsible for all costs associated with the application submission, including environmental review costs incurred prior to the grant approval. Post-approval costs would be covered by the grant. Mr. Gleason will be at the meeting to answer questions.

**John provided a brief synopsis of the agenda issue, and Mr. Gleason was at the meeting to discuss his request. Renée asked how much they will be asking for, and Mr. Gleason said \$100,000 which represents about 25% of the total project cost. Bob asked what the projected job creation would be, and Mr. Gleason said he sees 4 full time, 2 part time, and himself. Renée asked how many tables he thought- there would be 12-15 in the main portion and 8 on the rooftop if improved. Renée asked John if there are any requirements regarding how long the business has to be open to apply, and John said he can find out but he's been meeting with Harry Sichermann. Renée stated she does not think this project fits the grant specifications, and she is concerned the money could be pulled back. She does not think we should facilitate this. John pointed out the establishment could be considered an issue, and with it being sold it could become an asset. Dave thinks this is inline with the DRI objectives, and unlike Nolan's, we aren't rebuilding the best restaurant in town and the physical building needs help. Bob asked how much work the building needs, and if they plan to have entertainment. Mr. Gleason said they hope to have outdoor seating, and the building hasn't been renovated since the 80's so there are roof and electrical issues plus every room needs to be touched. Steve pointed out that while he understands Renée's point, small business development is an acceptable use for this money. Mike Yarger asked why this property is**

“worthy” of the City’s help, and John explained his point again. When potential applicants find out they need to hire a grant writer, they aren’t interested. Renée said she doesn’t think it’s appropriate to facilitate an application that doesn’t meet the stated criteria. A woman asked if this would prevent other applicants getting awarded, and John said no. Dave pointed out this is how Geneva got going, and that every business should be applying. Robert reminded everyone that we don’t award this money, they State does.

**Bob motioned to approve the request, Steve seconded.**

The Mayor read the program objectives out loud for everyone to hear. Steve said he isn’t convinced, and he wants more time to review the regulations. Dave pointed out that on his time on Council we’ve done several of these, and we should continue to support local businesses who want to invest. It’s not up to us to determine whether or the application meets the standard.

**3 in favor, 1 opposed. Motion carries to Full City Council.**

A straw vote was taken to see who would support this application, and 5 of the 8 present members stated they would support it, 2 said they wouldn’t, Steve is undecided and Jim was absent.

### **3. Property at 1 Cribb St.**

There is a small piece of property at 1 Cribb Street that the City acquired through a tax foreclosure. The land is not developable, and several attempts have been made to sell the property to adjacent landowners who were not interested. Staff is recommending this land be merged with the right of way.

John provided a brief synopsis of the agenda item. The property is 150 feet long by 6 feet wide and can not be built on.

**Renée moved to approve the request, Bob seconded.**

**4 in favor, 0 opposed. Motion carries to Full City Council.**

### **4. Strategic Plan Review**

City Council requested a review of the most recent Strategic Plan, which is attached to this agenda. Updates on each item were provided by Staff, and this item was added to the agenda to review these updates. This is part of an on-going discussion from the March 5<sup>th</sup> Planning/Development Committee Meeting.

John picked up the discussion on page 5 of the plan and went through the remaining portions of the plan. We ended off completing page 5.

### **5. Executive Session**

- Proposed Acquisition, Sale or Lease of Real Property

**Bob motioned to move to executive session, Steve seconded.**

**Meeting adjourned to Executive Session at 8:38 p.m.**

**Bob motioned to adjourn, Renée seconded.**

**Meeting adjourned at 9:01 p.m.**

**APPENDIX B**  
**ENVIRONMENTAL/PARKS COMMITTEE**  
**Tuesday, March 12, 2019**  
**7:00 PM**  
**Council Chambers- The Hurley Building**

**Committee:** Karen White- Chair, Bob Palumbo (Absent), Renée Sutton, Dave Whitcomb

**Other Councilmembers:** Mayor Polimeni, Jim Terwilliger **(7:15 p.m.)**, Steve Uebbing **(7:15 p.m.)**

**Staff:** John D. Goodwin, Rob Richardson, Terence Robinson, Jim Sprague, Steve Hedworth

**1. Pet Blessing Box**

Kaelyn Smith, a local Girl Scout troop, is in the early stages of earning her Girl Scout Gold Award- the most prestigious and difficult to earn honor for Girl Scouts. The recognition requires the young woman to identify an issue she cares about in the community and develop a plan to solve and implement a solution, as well as educate and inspire other Girl Scouts and members of the community about the chosen cause. Kaelyn approached the City about establishing a Pet Blessing Box at Canandaigua Canine Campus. Similar to a Noah's Blessing Box, it would allow people to donate items, such as toys, leashes, and food to those who need it in the community. Kaelyn has been invited to the meeting to discuss her idea and answer Council questions about her proposal.

Kaelyn, her mother, and the Troup Leader were at the meeting to discuss the proposal. She has been a Girl Scout for 6 years, and is a member of Troop 40315. Now that she is in high school she can start working towards the Gold Award. The box will be donated to her dog Coda who passed a few months ago, and will contain food, leashes, tennis balls and other items. She has reached out to Nancy from CCC and is waiting to hear back. John said this is possible but requires City Council approval. John asked what type of maintenance there is in place, and she has someone from CCC who is willing to maintain it once she goes off to college. The Mayor asked if it will be located in the park, and John explained it would be next to the sign in the front. The exact location has not been determined but he will work with Kaelyn to find a good spot. Bob thinks this is a great project. Dave also thinks it's a great idea and it should be located outside the fence. He also thinks the long-term maintenance won't be a problem.

**Bob moved to approve the proposal, Dave seconded.**

Renée thinks we should wait until she speaks to CCC, and John has not spoken to her. Kaelyn's mom spoke with her and said Nancy is ready and willing to help.

**4 in favor, 0 opposed. Motion carries to Full City Council.**

**2. Storm Water Management Program (MS4)**

The National Pollutant Discharge Elimination System (NPDES) MS4 permit, which the City operates under, requires permittees to develop and implement a comprehensive Storm Water Management Program (SWMP) that must include pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate measures to control the quality of storm water discharged to the storm drains and thence to waters of the United States. The City has completed its SWMP plan, and Jim Sprague has been invited to the meeting to discuss the plan and answer Council questions.



Jim was at the meeting to discuss the SWMP, and gave a brief synopsis of the item. Council needs to approve the plan per DEC MS4 requirements. Most parts of the plan will not change year to year, such as the educational component which they work with the Canandaigua Watershed group. This is a guidance document providing a road map for what the City will continue to work on. As things are completed, Jim will come back and update Council with the updated plan. Renée asked how often this needs to be completed, and Jim said they only have to do it once. Once it's adopted however, he will continue to update plans and update Council. John added they have MS4 activities every year, and we are just to the point now where the plan is required. Bob asked if there is any monitoring, and Jim said not under the MS4 permit. It is not part of the City's requirements yet but it is in other parts of the State.

**Renée moved to accept the plan, Bob seconded.**

**4 in favor, 0 opposed. Motion carries to Full City Council.**

### **3. Humane Society Concerns**

Via §114 of NYS Agriculture and Markets Law (all City, Towns and Villages), the City of Canandaigua is required to have a pound or shelter. In lieu of establishing and maintaining one, the City is part of an inter-municipal agreement renewed annually with Ontario County that contracts county-wide dog control services from the Ontario County Humane Society (OCHS). OCHS is a separate 501 (c)3 organization that is not a county agency. Recently, concerns were raised about the about the scope, level, and quality of services that OCHS provides as well as financial transparency. At the January 15th Environmental/Parks Committee meeting, several community stakeholders discussed these concerns with Council and Supervisors Rich Russell and Dave Baker. At the February 12<sup>th</sup> Environmental/Parks Committee meeting, Geneva resident Sara Britting attended to discuss the data matrix she created and address her concerns directly to Council. At that meeting it was determined the next course of action should be to invite OCHS to attend the next meeting so Council could hear their side. Members from OCHS have been invited to the meeting to address the concerns raised and answer questions for Council. This is a continuation of an ongoing discussion.

Acting Director Bill Martin and Board Member Dr. Dana Coover were at the meeting representing OCHS. Dr. Coover responded to the questions sent to them today from Karen. They working to increase adoption by continuing what they are doing as well as trying to get them into the public and advertising in publications. They have a program for people struggling with expense, where the owner, humane society and clinic all pay 1/3 the cost. In hardship cases, they have made exceptions. They recently passed a resolution making these services more accessible by changing the income threshold to qualify. Bill mentioned some fundraisers, festivals and parades which they will continue to do. They are open to working with any organization who reaches out to them. Everything that happens with cats comes from the board and private donations- not the County. They've also given grants to other places who have asked for cat care, and given up space for a cat room in the shelter. Feral cats are dealt with on a case by case basis- the feral cat issue is an international problem. There is another entity tasked to deal with feral cats- Colony Care Givers. If we want to address cats, the laws need to change- they can only enforce what is in place and as a vet Dr. Cover doesn't think they are sufficient. Renée asked what laws are obstacles, and Dr. Coover said the issue is there are no laws. She said she would love to more if they could, but there needs to be resources and laws to obey. Moving forward, all animals would micro-chipped and Cornell is going to come in and help them set up electronic records keeping this year. Karen mentioned they number of animals adopted in 2018 seems low, and Dr. Coover said it depends on how many and how long they are there. Karen asked if cremation services are a fundraiser, and Bill said they have a contract with the County and they give some percentage back to the County. Karen asked what their future plans are for taking care of cats, and Dr. Coover said they would need a larger space. Physical space is a challenge, and they would like to explore expanding. They manage as many animals

as they can. Karen asked if they write grants, and Dr. Coover said the County writes them. Renée asked how OCHS knows they meet the needs of animals in Ontario County. Bill said it's a case by case basis. They keep them there as long as they can but the space is limited. Renée asked what informs their strategy- and Dr. Coover said she is new to the board but anything that comes in as a cruelty case is investigated in the County. The Mayor mentioned there has been a leadership change- will that leadership change lead to more planning and Dr. Coover said yes. They would like to explore more grant funding for their situation, and they are trying to get more awareness about their shelter. Animals who have been there a long time are highlighted to try to find a good home. The new center manager said there is room to improve and they are open to constructive ideas from the public. Dr. Coover added that Bill is working to get animals more socialization through more fostering opportunities, including having a dog fostered in the jail. Renée asked how much they fundraise annually, and they said they can get her those numbers. Renée asked how they will actively fundraising, and Dr. Coover said they are looking at what they have to identify new opportunities to fundraise. Many people dealing with this are new to the situation and barely have their feet wet. Some members of the group got rowdy. Renée asked why Colony Caregivers seems to neuter more cats, and Dr. Coover said they have a different set up than the humane society. There are resources to help people in need but they need to fill out the application. She added she has been a part of other trap and spay programs where mass spay and neuter events which could be possible. That said, there are two different initiatives- they deal with ferals where OCHS deals with domesticated cats. Renée asked what their plans for volunteers are, and Dr. Coover said she would love to have volunteers. Renée asked what her goals are, and Dr. Coover said she isn't there yet. Renée said from where she sits, they have all sorts of advantages, almost no overhead, and she wants to see her tax dollars go further. Dr. Coover said she agrees and respects Renée's point of view. The Mayor asked if there has been any discussion on doing long-term strategic planning and Dr. Coover said yes. A big part of the plan is having Cornell come in in June. This is a new program where leading schools will come in and do assessments to help organizations improve. OCHS intends to have them come in annually, and a lot of their strategic planning will be based on the feedback from Cornell.

Dave asked why other surrounding counties are dealing with this, why can't they? Dr. Coover said she isn't aware of any laws against feral cats, and she doesn't know what the charters/missions say or what their funding sources are. Dr. Coover said at this point they aren't in the position to handle this, and setting out to do this would doom them to fail. Dave pointed out the Colony Caregivers are able to do more with less, and Dr. Coover said she can only speak to her own experiences and she has not worked with them yet. Dave said down the road he would like to see more synergy between the two organizations. Dr. Coover said she knows there is animosity there, and she wishes there wasn't. She agrees that they need to work together in order to address the problem, and Dave stated they will both need to move on to make progress. Meeting with the colony caregivers is one of their priorities. Bob asked if they have any plans to be financially transparent, and Dr. Coover said they are working on that. Steve agrees with Renée, and what he hopes come out of this is a strategic comprehensive plan to address all animals in the County to take back to the Board of Supervisors. He sees this as an opportunity, and he doesn't think anything will be accomplished by rehashing everything if the Board and new staff are committed to addressing these concerns. If they are committed to transparency and an organization meeting the County's need it will be worth it. Jim said the mark of a vital organization is benchmarking, and they should bench mark other area shelters. Dr. Coover agreed. The Mayor encouraged them to contact the County as they have a grant writer who would help them apply and Dr. Coover said they would. Karen asked if Cornell will address more than the care, and Dr. Coover said yes- it's a comprehensive process. She directed them to the Cornell medicine website to look at the program and what it offers. Karen asked if they will help coordinate efforts with other agencies, and Dr. Coover said she isn't sure but this is a new program and it's new to everyone. Renée asked if the assessment will be made public- and Dr. Coover said she isn't sure. Cornell comes in to do an effective training, and they have told her it's better to do things along the way then handing them a huge report.

Renée added her real beef is with the County for allowing the organization to stand still. Steve added they have a credibility issue with the public, and that transparency will help address that. Dr. Coover completely agreed and said that is a fair assessment. Karen would like to move forward and not rehash the past, and City Council really needs to address this with the County- OCHS is the middleman.

**Bob motioned to adjourn to Executive Session, Renée seconded.**

**Meeting adjourned to Executive Session at 8:51 p.m.**

**Renée motioned to close, Bob seconded. Meeting adjourned at 9:08 p.m.**

**APPENDIX C**  
**ORDINANCE COMMITTEE**  
**Tuesday, March 19, 2019**  
**7:00 PM**

**Council Chambers- The Hurley Building**

**Committee:** David Whitcomb, Chair, Nick Cutri, Jim Terwilliger, Karen White

**Other Councilmembers:** Mayor Polimeni, Bob Palumbo, Renée Sutton, Robert O'Brien

**Staff:** John D. Goodwin, Rob Richardson

**1. Ordinance Reducing Single-Use Plastics**

Last year, upon the request of Councilmember David Whitcomb, the Ordinance Committee began a discussion of an ordinance banning the use of plastic straws in the City. After much discussion the Committee decided to explore a more comprehensive approach and potentially adding other items such as plastic bags and polystyrene foam items in an effort to reduce waste and prevent pollution. At the February 19<sup>th</sup> Ordinance Committee meeting, Council decided more information was needed before taking any legislative action and directed Staff to invite community stakeholders who would be impacted by such a ban. Representatives from Wegmans and Pactiv have been invited to the meeting to address Council and discuss how the proposed ordinance would impact their business operationally and economically as well as any efforts currently underway in regard to reducing the use/impact of single use plastics and other environmental stewardship activities.

John provided a brief overview of the agenda item. Representatives from both Pactiv and Wegmans were at the meeting to discuss the proposed ban would impact their businesses both operationally and economically, as well as what measures they are already taking to address sustainability. Pactiv addressed Council first, as well as someone from the Food Packaging Institute. They are one of the areas largest employers. The plant manager distributed a power point presentation which was reviewed with Council. In terms of overall impact, he doesn't see an issue with manufacturing. He is concerned about the branding however, and having the City want to ban their product makes it difficult to attract employees and creates a stigma around both the company and the products they produce. Dave asked about vendors and how they obtain the product, and Pactiv sends these to a distributor who then supplies individual locations. The Mayor asked what they are doing in terms of Research and Development around product innovations. They work across a plethora of materials, all with their own advantages and disadvantages. Often the material used is necessary for the product, and they are always looking for new materials they can use. They are also researching how to make products out of recycled materials. A lot of this work is going on in Canandaigua. Karen asked about the impact on landfills and if they are looking into how to minimize impact. They said everything is capable of being recycled, and they recycle internally- even between plants. The issue becomes what localities will accept because not everyone takes all materials. They work with organizations like FPI to work on things that have been traditionally difficult to take in and recycle. Some plastics are commonly used but not commonly recognized as recyclable material. The FPI has helped communities set up the capacity to recycle foam. Renée pointed out these products shouldn't be produced if there is no market for recyclable products, and asked them to discuss their earth friendly line of products. He said Earth Choice was the fastest growing product line last year, and this formulation was developed in Canandaigua. The demand for these products is growing, but large customers are looking for the best value. Restaurants have razor thin margins, so asking them to spend more on something like this isn't always feasible. Renée asked if they had to install extra equipment to produce it, and they did- it was expensive but they have made the investment. Robert asked

what percentage of the products they produce come from recycled materials, and they said it depends on the product. It can range from 25% to 100% depending- with polypropylene there is less available so they can only take in what is available. They think this will change in the future and more will be available in the future to produce recycled materials. They've made strides with paper products, which include large quantities of recycled material. Everything they make is with FDA compliant materials, so they can't just take things from landfills or the public. They are also hoping to grow the recycling infrastructure in the US- they don't want to send products to landfills. The Mayor asked if the FPI gives grants to only counties or other municipalities, and he said they likely could work with a City. Dave asked what concerns they have navigating issues like this- are they trying to get ahead of the curve. They do think about this all the way up to the corporate level, and they have consciously diversified to ensure viability. There is no silver bullet to address all concerns, and there are positives and negatives to everything they produce. They are looking for the new technology to solve these issues, and they listen to their customers so they ensure they meet their needs. The gentlemen from FPI said the proposed bans cause extreme disruption to the supply chain and any location impacted would incur higher costs across the board- inventory, shipping, distribution. Jim asked if they have concerns about their product becoming the same as film was for kodak, and asked if it puts additional pressure on R & D. They said absolutely- food will always need to be mobile and need to leave restaurants. The bottom line is everything has an impact. The real environmental impact is how it's produced, not how long it takes to degrade. Karen would like to see the reuse component needs to be improved.

Wegmans addressed Council next- Jason Wadsworth is responsible for sustainability for Wegmans. Dave asked what impact this ordinance might have. Jason thanked Council for allowing them to speak, and directed Council to the website [wegmans.com/sustainability](http://wegmans.com/sustainability). They have been working within the reduce, reuse, recycle frame work on this initiative for 12 years already. Part of their mission is reducing waste to landfills, and there is a lot of misinformation. They have worked to get out of Styrofoam for the last years, and food waste represents the largest component in landfills. They stated with reducing food waste first for this reason. They have instituted composting programs at almost 100 stores in 7 states- this is how they can make the biggest difference. When they switched to fiber egg cartons, they were wasting more and they were unable to protect the product. This caused an exponential food waste issue. Their customers are looking for more sustainable packaging, and they will be converting to paper straws in April. Still, this creates more waste in landfills. They also believe reusable bags are the preferred option, and they have a plastic bag recycling program with a 50% recycling rate. They think recycling these bags is a good place to start. Paper bags have their own challenges- it will take 7 more tractor trailers to transport the same amount of paper bags instead of plastic. It also has a higher chemical use and we need to think about the unintended consequences. Charging a nickel for each bag like in Germantown Maryland has caused a 50% reduction in bag uses compared to other stores in the area. Karen asked why they don't provide reusable bags, and Jason said plastic bags have a variety of uses beyond carrying groceries. Reusing them means they are no longer a single use plastic bag. Jason pointed out they will recycle bags from other stores as well as a variety of different plastic bags. Dave asked what they would use if plastics were banned, and he said he didn't know- but the silverware they put out contains 30% recycled content. They have tried pilots in other markets because of labor and disappearing silverware. The Canandaigua Wegmans has a large takeout business, and these people need silverware they can take with them. Robert asked if Jason can make recommendations on what the City should focus on to have the biggest impact, and Jason said food waste. If we want to focus on single use plastics, educate the public on how those bags can be reused.

## **2. Local Development Corporation**

The City, in conjunction with the Canandaigua Chamber of Commerce and the Town of Canandaigua, has been exploring the possibility of forming its own Local Development Corporation (LDC). The proposed by-laws, was reviewed at the February 19<sup>th</sup> Ordinance Committee meeting. The Committee

requested certain changes be made prior to moving forward. On March 13, the City Manager met with Doug Finch, Town Manager, and Karen Dworaczyk, Chamber Board member to review the drafted documents and discuss potential changes. A new draft is attached to the agenda. Karen Dworaczyk has been invited to the meeting to assist with the discussion regarding the LDC.

John provided a brief overview of the agenda item, and discussed the changes Council asked to have made to the original documents. The think the more appropriate place for the sunset clause, however, is in the inter-municipal agreement. Doug added it would be a 3-year IMA which essentially creates a sunset clause. They did add a dissolution clause- you can't unincorporated. You're either incorporated or you are not. The dissolution process needs to go through NYS. Jim asked who would be on the board, and John said we could appoint 2 members- one councilmember and one they choose. The town has the same set up, and a Chamber board member would round out the 5<sup>th</sup> member. Jim asked if 3 of the 5 could be compensated, and if so, he would like to see it so its volunteer based. John said that is the intent. The only compensation would be to an executive director hired by the LDC. John then discussed ex-officio non-voting members- City Manager, Town Manager and Executive Director of the Chamber of Commerce. This will help strengthen accountability. Renée asked what staffing would look like, and John said he sees the LDC hiring a consulting firm to maximize resources. Karen D. also added they could hire an executive director, and possibly a part time administrator. Doug said he thinks it's premature to say what it needs because the LDC hasn't even been formed yet. This would all need to be decided by the board of directors. Renée asked if we need this structure, and Doug referenced back to the work that was done over the last year reviewing 4 different structures. This structure has worked in many other communities, and many are doing it on their own without other municipalities. Karen asked how this will be funded moving forward, and Karen D. said it would be part of the IMA. Karen asked how it would support itself if one municipality chose not to continue, and Karen said there are a variety of funding streams that could be used. John added some have private funding, such as the CADDC who may be interested in providing resources. Karen was concerned about the LDC dumping debt on the City, and John said there are provisions in the by-laws preventing this. We wouldn't prevent them from going out to find funding, but the City/Town would not be left holding the bag. Renée asked if the organization would be open to FOIL, and because it's a quasi-government agency it would need to meet all transparency requirements.

**Nick motioned to accept the by-laws, Jim seconded.**

Doug voiced his concerns about some potential legislation the City is considering- especially regarding the plastics ban. He has some board members concerned about working with the City.

**4 in favor, 0 opposed. Motion carries to Full City Council.**

A gentleman was at the meeting to voice concerns over CBD products and the number of shops. Dave said we will add this item to the next ordinance agenda.

**Nick motioned to adjourn, Jim seconded.**

**Meeting adjourned at 9:05 PM.**



**APPENDIX D**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, March 27, 2019**  
**7:00 p.m.**  
**Council Chambers- The Hurley Building**

**Committee:** James Terwilliger, Chairman, Robert O'Brien, Steve Uebbing, Nick Cutri

**Other Councilmembers:** Mayor Polimeni, Bob Palumbo, Karen White, Renée Sutton

**Staff:** John D. Goodwin, Rob Richardson, Terence Robinson, Jim Sprague, Bob Murphy, Steve Hedworth

**1. Insurance Claim Denial Complaint – 97 Clark Street**

At the March 7<sup>th</sup> City Council meeting, Ralph Calabrese addressed Council the denial of a claim he filed against the City. The claim related to sewage that accumulated in his basement due to an unknown blockage in a sewer main on Clark Street. Mr. Calabrese believes the City should be responsible for the damages incurred (\$3,322.76) due to the fact the sewage came from City infrastructure. Mr. Calabrese filed a claim which was denied. In accordance with New York State law, a municipality is not liable unless it knew, or should have known, of the existence of a defect and had a reasonable amount of time to repair the defect. In the case at hand, the City had no prior knowledge of the blockage and promptly unplugged the blockage once notified. Mr. Calabrese alleges that there is a deficiency in the City's sewer system that caused the issue and that the City has known about the deficiency based on a conversation that he had with the former DPW Director (retired since 2011) many years ago. Mr. Calabrese also claims that his homeowner's insurance will cancel his policy if he tries to file a claim with them. Mr. Calabrese alleges that Staff was derelict in their duties to address the problem and has stated that he will file a small claims law suit. There is no record or recollection from DPW staff to substantiate Mr. Calabrese's claim. Nevertheless, the area has been inspected weekly since the blockage that occurred in November 2018 and the sewer has been found to be functioning properly. Further, Staff plans to video the sewer this year to complete a full inspection. If a deficiency is discovered, appropriate action will be taken to correct it. Mr. Calabrese was invited to the meeting. Water/Sewer Supervisor Bob Murphy and DPW Director Jim Sprague will also be in attendance to discuss the matter.

Mr. Calabrese was at the meeting with his son, as well as Jim Sprague and Bob Murphy. Mr. Calabrese began by re-stating his case that this is the City's responsibility and the City should be responsible for paying his expenses. He again stated that Lou Lloyd acknowledged there was a known issue, and that we would fix it. Bob asked why the insurance would cancel his policy if they filed a claim, and his son said he filed a claim in 2014 for the same thing. Steve asked if this was brought to the City's attention then, and Ralph's son said yes. Ralph also claimed this happened many times that but they couldn't afford to pay people to clean it. Jim asked if they covered the 2014 incident, and Ralph's son said yes. They again reiterated the insurance company would cancel their policy if tried to file a claim for this incident. Renée asked if the City addressed the issue in 2014, and they said yes- they kept talking about water and not sewage, however. Jim asked Bob Murphy, head of sewer maintenance, who said they received a call for this and removed the blockage within an hour. He also stated he does not recall the 2014 incident, and if there was a blockage there was not one when his crew responded. Jim asked if the blockage was a one-off occurrence, and Bob said he cannot find any records of previous reports. Renée asked if we document service calls, and if we could track this down and Bob said yes. Bob said they intend to do a thorough investigation but there will be a substantial cost so it will be a process. Bob asked if they checked service calls, and Bob Murphy said they went back 6 years and could not find any record of a service call. Bob said if they gave him the initial insurance claim from 2014 he would be happy to go back and look. Steve asked Terence if this knowledge changes anything, and Terence said they need to submit written notice

for the City to be liable per the City Charter. Terence said the other thing is there has been 5 years of proper function, so even if there was a blockage it was a long time ago. This is also based off New York State Law. John confirmed our insurance company has reviewed the claim and denied it because State Law says we aren't. Jim stated that because the City is following State law and our Insurance company denied the claim, City Council has no recourse to reimburse using tax payer funds.

## 2. Sidewalk Snow and Ice Removal

City Code §600-12 entitled "Snow and ice removal" requires the property owner and occupant to keep "sidewalks adjoining such property free from snow and ice for the full paved width of such sidewalk." Property owners and occupants are required to remove snow and ice within 24 hours after the end of a snowfall. If the property owner or occupant fails to remove the snow and ice, §600-12 provides for the removal of snow and ice by the City and the cost, which "shall be not less than the equivalent of one hour's cost" be charged to the owner or occupant. Prior to the winter season each year a notice informing residents of this provision is sent via an enclosure in water bills. The notice in bold notes: "It is important to note that NO FURTHER NOTICES will be provided to the property owner or occupant during the upcoming winter season prior to the City taking action on a dangerous sidewalk condition due to snow and ice accumulation." Last year, as part of the National Citizen's Survey (NCS), the City asked residents if this snow and ice removal policy should remain and how the City was doing in regard to enforcement. According to the NCS results, 72% agreed that the current City policy on snow removal should remain. The NCS also resulted in only 41% agreeing that we do a good job in enforcing and 59% stating that we did not do a good job. As such, the City Manager directed DPW to increase enforcement efforts of sidewalk snow removal this year. The increased enforcement has resulted in some residents receiving bills for the expense of the City's removal of snow and ice from the sidewalk adjoining their property and raising concerns with City Council about the policy and enforcement. At the request of several City Councilmembers, the agenda was revised to discuss this matter further.

Nick brought the flyer that is sent to every citizen in Canandaigua letting them know about their responsibility for snow removal which is sent out every year with the water bill. He has an issue with why we are reviewing this at all. Jim added we passed this about 10-12 years ago, and it is not unusual that when new Councilmembers are elected, we tend to review it again. Steve stated he thinks this is a good policy and there should be a penalty for not complying. He pointed to the City's effort to make sure people drive 30 mph on Main Street- the policy is fair and should be continued. He thinks the notification the City provides, however, might be insufficient and he noted that some property owners may not read the letter. He thinks we need to expand our notification process considering we've stepped up enforcement. Bob has an issue with there being no standard in terms of set amount of snow- he's seen some pictures with only a few inches of snow and isn't sure that is impassible. John gave his directive to prevent this being hit and miss and remain consistent. Bob also doesn't like the fact there is no provision about minimum threshold. John stated that threshold is up to the director of public works, and small amounts of snow cause issues to people in wheelchairs, children, seniors, etc. Robert thinks the flyer we send out is more than enough notice. Our job is to make laws and enforce them for the safety of everyone. The Mayor thinks we need to look at better notification, but she has had several calls regarding people who have wheelchairs, scooters etc. that they can't use the sidewalks. If we want to be a walkable community, we need to keep our sidewalks clear. She requested John use good judgment in deciding how to move forward. Karen added that this wasn't a random choice by John- it came from the National Citizen Survey. Steve again reiterated we need to do a better job publicizing. Jim agreed we should have done more notification to highlight the change. Grace Palermo agrees with the ordinance, but wanted to know why the charge is \$80. John explained it's based on the cost to dispatch DPW and administration. Karen added this is cheaper than the fine of \$250. Stephania Campania claimed the snow didn't even get removed after the photo was taken, and she claims there is no consistency. Mike Yarger did his own survey which he claims the results were opposite and the City's efforts are insufficient. Terence added the ordinance was drafted to reflect how courts have viewed this issue in the past, which claims 24 hours



is an appropriate window. Jim summarized that we need to do a better job of resident notification, especially if we are ramping up enforcement. Second, he thinks we should look at this in the ordinance, particularly the \$80 cost for only a few minutes.

### **3. Performance Contract – Lighting at Water Treatment Plant**

The City has been working with SmartWatt to purchase and convert the streetlights throughout the City to LED. This project also entails certain energy efficiency upgrades (HVAC and lighting) at various City facilities (Police Station, Fire Station 1, City Hall). As part of its work, SmartWatt reviewed and recommended certain upgrades at the Water Treatment Plant including HVAC and lighting. Projects at the Water Treatment Plant could not be included in the performance contract that included the street lights and other City facilities as they would cross funds (General Fund and Water Fund). As such, in order for to have a performance contract for work at the Water Treatment Plant projects must provide enough savings to support the capital costs over a twenty-year period without any support from the General Fund projects. SmartWatt has reviewed the Water Treatment Plant projects and determined that there are sufficient savings to complete a performance contract for the lighting (converting lights to LED). The HVAC upgrades, which are needed regardless due to the age of the current systems and recent failures, did not meet the guidelines for a performance contract. As such, Staff will be bidding the work for the HVAC upgrades. The costs of both projects were included in the 2019 Water Fund Capital Budget (\$60,000 for lighting and \$80,000 for HVAC). As SmartWatt will be upgrading the lighting in other City facilities which offers efficiencies and lowers the administrative burden and the lighting project at the meets the requirements of a performance contract, Staff recommends authorizing a performance contract with SmartWatt for the lighting at the Water Treatment Plant.

John provided a brief synopsis of this agenda item. Steve asked for clarification on the performance contract, and John confirmed this would need to be a separate contract. This one would only be related to the lights at WTP. Bob asked if these were budgeted, and John said yes.

**Nick moved to accept the request, Steve seconded.**

**3 in favor, 0 opposed (Robert in hallway). Motion carries to Full City Council.**

### **4. LiveSCAN Fingerprinting System**

New York State requires police agencies to utilize the LiveScan System to process arrested subjects and input the information in the State database system (SJS). In 2016, the City purchased an upgraded LiveScan system. In November 2018, Staff was informed the LiveScan fingerprint system would no longer be supported and would need to be replaced by January 2020. The estimated total cost is \$29,800. After pushback from municipalities over needing to throw out a brand-new system, Idemia (company that recently purchased LiveScan) agreed to offer discount to municipalities that acted early. If the system is purchased by August 30, 2019, Idemia will reduce the price by \$3,500 and offer a \$8,000 buy back credit on the current system the department has now. These discounts would reduce the first-year costs by \$11,500 for a total of \$18,300. Considering the replacement system has been mandated, Staff recommends moving forward with the purchase prior to August to maximize the savings for the City and requests a Capital Budget amendment of \$18,300 to cover the project. Annual cost of \$2,500 for years two and beyond are already included in the operational budget. Chief Hedworth will be at the meeting to discuss the proposal.

John provided a brief synopsis, and Chief Hedworth was at the meeting to answer questions. We have to buy this, so buying it by August 30<sup>th</sup> offers the City the best savings. Jim asked if this is a State mandate, and John said yes. Bob asked if we could use the Sheriff's, and Chief said no because we are on separate systems. Chief added we also use the machine for other purposes. Renée asked if this is the exclusive provider, and Chief said yes. Renée stated we should contact our State representatives because she feels this is a vendor taking advantage of their exclusivity.

**Steve moved to approve the request, Nick seconded.**

Jim wants to keep the spending constant, and wants to know if there is anything we can push off until next year. John said we have sufficient fund balance, and Steve agreed.

**3 in favor, 0 opposed (Robert in hallway). Motion carries to Full City Council.**

John stated he will speak with our State representatives to voice our concerns over this item. The Mayor added we have an upcoming legislative session where this can be addressed.

**5. 2018 Year End Financials**

The unaudited financials for Fiscal Year 2018 will be distributed at the meeting. The City Manager will provide a brief overview. As in year's past, the review of the financials will continue in subsequent meetings so Staff can answer any questions that City Council may have after reviewing and for the annual presentation from the City's independent auditors.

**We covered this item after an add-on item (#6) was addressed.**

This is an introduction, and Nancy will be at the next meeting to answer City Council questions in detail. John provided a 20,000 foot view of what was presented.

**6. Water and Sanitary Material Bids**

Jim Abraham and Jim Sprague spoke to this item. All of these items are budgeted and we are doing this to prevent violating the purchasing policy.

**Steve moved to accept the request, Nick seconded.**

**4 in favor, 0 opposed. Motion carries to Full City Council.**

**Nick motioned to adjourn, Steve seconded.**

**Meeting adjourned at 8:57 p.m.**